

been a bona fide resident of the State of Texas for a period of one (1) year; providing the method of disbursing relief bond funds; prohibiting expenditure of relief bond funds in payment of salary to any employee of the Texas Relief Division of the State Board of Control who is related in the second degree to the head of any department, member of the Legislature or to any member or employee of the State Board of Control; providing that this provision shall not apply to persons now employed by the Texas Relief Commission; prohibiting the misappropriation of relief funds, the making of false reports concerning such funds, or knowingly and unlawfully distributing or expending any of said funds, defining such act as a felony and prescribing a penalty; prohibiting the willful making of a false statement in order to procure relief funds, defining such act as a misdemeanor and prescribing a penalty; authorizing the members of the State Board of Control, the Director and Assistant Director to administer oaths relative to discharge of their duties, or in inquiry thereto; providing that false swearing in connection therewith shall be punishable under the provisions of the Penal Law applicable to false swearing; providing that if any section, clause or sentence of this Act is held unconstitutional such holding shall not affect the remaining portions of this Act; and declaring an emergency."

Read and referred to the Committee on Finance.

Resolution Signed.

The Chair, Lieutenant Governor Walter F. Woodul, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following resolution:

S. C. R. No. 4.

Adjournment.

Senator Hill at 4:00 o'clock p. m., moved that the Senate adjourn until 10:00 o'clock a. m. Thursday.

The motion prevailed by viva voce vote.

APPENDIX.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, Jan. 16, 1935.

4—Jour.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 4 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

SEVENTH DAY.

Senate Chamber,
Austin, Texas,
January 17, 1935.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Walter F. Woodul.

The roll call disclosed a quorum, the following Senators being present:

Beck.	Moore.
Blackert.	Neal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Fellbaum.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Hughston.	Westerfeld.
Martin.	Woodruff.

Absent—Excused.

Oneal.

Prayer by the Chaplain.

Further reading of the Journal was dispensed with, on motion of Senator Martin.

Committee Reports.

(See Appendix.)

Bills and Resolutions.

Senate Resolution No. 17.

Senator Hornsby asked unanimous consent to read S. R. No. 17 to the Senate from the Secretary's desk.

Unanimous consent was granted.

Whereas, We stand ready at all times to exert ourselves to the utmost, in behalf of the women and children of our country, and are willing to fight, if needs be, to protect them fully in the enjoyment of all their rights and privileges under our government;

Whereas, We want no sweatshops and none of the products thereof,

and are unalterably opposed to the reprehensible practice of requiring or permitting women and children to work unreasonable hours or to engage in any dangerous or hazardous work, or to be put under prejudicial or unhealthy conditions;

Whereas, We strongly resent the efforts of avarice and greed to exploit the work of women and children to gratify selfish and unholy purposes, and whereas our earnest desire is to make conditions better for the children in our State;

Whereas, The so-called "Child Labor" amendment, submitted by a Republican Congress more than ten and a half years ago without the sanction of a single Texas Congressman, rejected by more than three-fourths of the states within the first three years and ratified by not a single one within the past year, does not contain the word "Child" in any of its provisions, but does include all persons under eighteen years of age—about forty per cent of our population—

Whereas, We believe that such a dead issue should not be continued, since in the opinion of many of the best lawyers this amendment would be held invalid by the Supreme Court on account of the long lapse of time since its submission;

Whereas, While this measure was under consideration in Congress, unsuccessful efforts were made to procure amendments reducing the limit from eighteen years to sixteen years and excepting agriculture, and since the proponents would not even permit the word "reasonably" to be inserted;

Whereas, Everyone knows that the farming operation of our country could not be successfully conducted without the aid of boys and girls under eighteen years of age, and, since few, if any, girls or boys have ever been injured or harmed in mind or body by farm work in Texas;

Whereas, This extremely radical and undemocratic proposal calls for the surrender of another of the sovereign rights of the state which is specially reserved under the Constitution and for which tremendous sacrifices have already been made, and is subversive of the inalienable rights of our citizens and does violence to the principle of local self government, and, because we sincerely and conscientiously believe that the sacrifice of the time honored principle of state's rights is

far too great a price to pay for such doubtful benefits as might result;

Whereas, This is a sweeping enactment and the broadest surrender of power to the National Government ever attempted,—for which no good reason exists—, and, since the effect of its adoption would be to subvert free government and to release evils far greater than the purported one it attempts to prevent, by tending to substitute for parenthood a paternalistic government at Washington necessarily lacking in that local application and adaption to local conditions upon which the effectiveness of such measures must depend;

Whereas, It is clearly communistic in its origin and gets its main driving force from that source and is a proposal of government which runs diametrically contrary to that on which our government was founded;

Whereas, Such a change in our fundamental law can not be adopted without a repudiation of the principle of local self government upon which our democracy rests, and whereas, we believe that the closer we keep our government to the people, the better that government will be;

Whereas, According to our principles and ideas of government we believe it necessary to protect against governmental intrusion the sanctity and unity of the family as the moral basis of our civilization and to resist all attempts on the part of the government to deal with our children as creatures of the State;

Whereas, We believe that the proper protection and welfare of our children, the most precious and priceless possessions which we have, should be entrusted to their own parents rather than to any Federal Bureau and that the full and complete control of our children should be always kept subject to the State and not the Federal Government; and,

Whereas, In order to preserve our domestic, civil, educational and religious liberties, we believe that fathers and mothers should be free to train and educate their children without unnecessary governmental interference; therefore, be it

Resolved by the Senate of Texas, That we respectfully submit the following as an amendment to the Federal Constitution, which could be acted upon without delay and promptly ratified by the required

number of states to make it effective, and under the terms of which the evils of child labor could be forever banished:

Congress shall have the power and is hereby expressly authorized to prohibit the transportation, exportation and importation into and out of all the states, territories and possessions of the United States for delivery, sale or use therein of all articles produced, in whole or in part, by persons under sixteen years of age.

It is our deliberate judgment and firm, conscientious conviction that this proposed amendment would provide, a far better, wiser, quicker and more effective solution of the child labor problem which has been agitating the minds of our people for so many years. It certainly would not make our children creatures of the Federal Government, the thing to which we so seriously and most strenuously object.

"The family life is a sacred trust
God-given to all, so we must
Not resign our birthright to the nation,
But do our duty, as planned in creation.

No nation under heaven's great
dome,
Should intrude itself into the home.
For a home policed by a federal ban
Makes a prison place, for God's
image, man.

Then 'why sit ye idle' there
With foes about us everywhere?
Enemies of government, with communistic plan
Threatening corruption, of our fair
land.

Inform yourselves, women of church
and state
Look deep into issues, before too late
Discard all false doctrines, of those
of foreign soil
And on the troubled waters pour
your pacifying oil.

Accept the 'Sovereign Rights of
State'
To make your laws, to legislate,
Be true to your own and help them
to know
They are right, as were Jefferson and
Monroe.

The rabble crucified our Lord, because
He dared disagree, with royal Roman
laws.

'Obey your parents,' He told the children of men
Are we Christ's followers now, as
they were then?"

—M. R.

HORNSBY.

Read and referred to the Committee on Federal Relations.

Advanced Printing.

Senator Hornsby asked unanimous consent for advanced printing on S. R. No. 17.

Senator Small objected.

Senator Hornsby moved that S. R. No. 17 have advanced printing.

The motion prevailed by viva voce vote.

Motion to Reconsider.

Senator Small moved to reconsider the vote by which advanced printing was ordered on S. R. No. 17.

Pending.

Senate Resolution No. 18.

Senator Davis sent up the following resolution:

Whereas, Hon A. Parr, the "Duke of Duval" a former member of this body is in the city of Austin; and,

Whereas, Senator Parr is and has been one of the leading Democrats in Texas; now, therefore be it

Resolved that he be invited to address the Senate at this time and the privilege of the floor of the Senate be extended to him.

NEAL.

Read and adopted unanimously.

The Chair appointed Senators Neal, Hornsby and Davis to escort the distinguished guest to the platform, and he addressed the Senate briefly.

Senate Bill No. 91.

By Senator Blackert:

S. B. No. 91, A bill to be entitled "An Act to amend Article 4941, Revised Civil Statutes of 1925, and declaring an emergency."

Read and referred to the Committee on State Affairs.

Senate Bill No. 92.

By Senator Blackert:

S. B. No. 92, A bill to be entitled "An Act to amend Article 392, Re-

vised Civil Statutes of 1925, and declaring an emergency."

Read and referred to the Committee on State Affairs.

Senate Bill No. 93.

By Senators Hopkins and Blackert:

S. B. No. 93, A bill to be entitled "An Act amending Article 5006 of the Revised Civil Statutes, 1925, amended by Acts 1933, Forty-third Legislature, page 851, Chapter 242, and declaring an emergency."

Read and referred to the Committee on State Affairs.

Senate Bill No. 94.

By Senators Hopkins and Blackert:

S. B. No. 94, A bill to be entitled "An Act to amend Article 4766, Revised Civil Statutes of 1925, as amended Acts 1929, Forty-first Legislature, page 497, Chapter 237, and declaring an emergency."

Read and referred to the Committee on State Affairs:

Senate Bill No. 95.

By Senators Hopkins and Blackert:

S. B. No. 95, A bill to be entitled "An Act to amend Article 416, Revised Civil Statutes of 1925, as amended Acts 1929, Forty-first Legislature, First Called Session, page 48, Chapter 17, and declaring an emergency."

Read and referred to the Committee on State Affairs.

Senate Bill No. 96.

By Senators Hopkins and Blackert:

S. B. No. 96, A bill to be entitled "An Act to amend Article 4725 of the Revised Civil Statutes of 1925, as amended Acts 1931, Forty-second Legislature, page 256, Chapter 153, and declaring an emergency."

Read and referred to the Committee on State Affairs.

Senate Bill No. 97.

By Senators Hopkins and Blackert:

S. B. No. 97, A bill to be entitled "An Act amending Chapter 18, Acts of the Third Called Session of the

Forty-second Legislature by adding thereto Section 4-a so as to authorize building and loan associations to make loans under the terms and provisions of Title II of the National Housing Act and to except such loans from the limitations prescribed by said chapter, and declaring an emergency."

Read and referred to the Committee on State Affairs.

Senate Bill No. 98.

By Senators Hopkins and Blackert:

S. B. No. 98, A bill to be entitled "An Act to amend Article 4993, Revised Civil Statutes of 1925, and declaring an emergency."

Read and referred to the Committee on State Affairs.

Senate Bill No. 99.

By Senators Hopkins and Blackert:

S. B. No. 99, A bill to be entitled "An Act to amend Acts of 1933, General Laws, Forty-third Legislature, Regular Session, Chapter 160, page 406, and declaring an emergency."

Read and referred to the Committee on State Affairs.

Senate Resolution No. 19.

Senator Woodruff received unanimous consent to suspend the regular order of business, and sent up the following resolution:

Whereas, Section 5 of Article 3 of the Constitution of Texas provides the method of procedure by the Legislature in the consideration of bills and resolutions unless otherwise determined by an affirmative vote of four-fifths (4-5) of the Membership; and,

Whereas, It appears under present conditions to be in the interest of orderly and expeditious dispatch of the business of the Senate to suspend said section and article of the Constitution as to procedure and to substitute therefor a more simplified method, therefore be it resolved by the Senate that Section 5 of Article 3 of the Constitution of Texas, insofar as same applies to the procedure of the Senate in the consideration of bills and resolutions, be, and the same is hereby suspended; and,

Be it further resolved that Rules

1 to 9, inclusive, of the Special Rules of the Regular Session of the Forty-third Legislature be and they are hereby suspended; and,

Be it further resolved that the following rules of procedure for the Senate of the Forty-fourth Legislature of Texas be; and they are hereby, adopted:

Rule I.

It shall be in order to introduce bills or resolutions during the first sixty (60) legislative days of the Regular Session of the Forty-fourth Legislature and have the same referred to a proper committee.

Rule II.

After the first sixty (60) legislative days of the Regular Session of the Forty-fourth Legislature no bills shall be introduced except local bills as hereinafter defined, emergency appropriations, acting upon appointees of the Governor (whether recess appointments or otherwise) and all emergency matters submitted by the Governor in special messages to the Legislature, unless otherwise directed by an affirmative vote of four-fifths of the membership of the House in which the bill is first introduced.

Rule III.

Local bills may be introduced at any time and considered and reported at any time by the committee in which they shall have been referred, and may be considered and disposed of by the House in which same may be pending in the due order of business as determined by the general rules of such House. A local bill is defined for the purposes of this rule as an act the provisions of which relate to or affect directly a defined locality, district or section of the State but it does not affect directly the State at large, and the operation of which is confined to a particular locality, district, or section of the State.

Rule IV.

Local bills, emergency appropriations, acting upon the appointees of the Governor (whether recess appointments or otherwise) and all emergency matters submitted by the Governor in special messages to the

Legislature may be considered and disposed of at any time by either House under the general rules and order of business.

Rule V.

During the first sixty (60) legislative days of the Regular Session either House may take up and consider in due order of business any bill or resolution not included in the provisions of the foregoing rule in accordance with the rules of the House in which said bill may be pending at any time by an affirmative vote of four-fifths of the Members of the House in which such bill may be pending.

Rule VI.

It shall be in order for committees to consider and report bills at any time during the session, and consideration may be had at any time by the Senate in accordance with the rules thereof.

When any bill shall have been finally acted upon by either branch of the Legislature and shall have been submitted to the other said bill shall be, without the necessity of suspending the rule by a vote thereon, referred by the presiding officer thereof to an appropriate committee for consideration.

Rule VII.

For determining the time within which a bill has been introduced, date of its introduction in the House where it originates shall govern.

Rule VIII.

That under "order of business," Sub-section 4, Section 11, page 238 of the Texas Legislative Manual, the introduction of bills shall precede the introduction of resolutions.

Rule IX.

Thirty (30) minutes shall be allowed for the discussion for a simple resolution and no member shall be permitted to speak more than thirty (30) minutes in support or against the same unless the time be extended by an affirmative vote of two-thirds of the Members of the Senate present or by unanimous consent so to do.

WOODRUFF.

Reading dispensed with and resolution referred to the Committee on Rules.

Senate Bill No. 100.

Senator Rawlings received unanimous consent to send up the following bill:

By Senator Rawlings:

S. B. No. 100, A bill to be entitled "An Act regulating the use of trot lines and set lines where such lines are permitted by laws of this State; providing the distance that hooks shall be set apart on such lines; providing that hooks set less than four (4) feet apart on such lines shall be prima facie evidence of guilt; repealing all laws in conflict with this Act; providing a penalty; and declaring an emergency."

Read and referred to the Committee on Game and Fish.

Senate Resolution No. 17.

Pending business was Senator Small's motion to reconsider the vote by which advanced printing on S. R. No. 17 was ordered.

Motion to Table.

Senator Hornsby moved to table the motion by Senator Small.

The motion to table prevailed by the following vote:

Yeas—14.

Burns.	Hughston.
Collie.	Moore.
DeBerry.	Pace.
Duggan.	Poage.
Hill.	Redditt.
Holbrook.	Regan.
Hornsby.	Stone.

Nays—11.

Blackert.	Small.
Fellbaum.	Sulak.
Martin.	Van Zandt.
Neal.	Westerfeld.
Sanderford.	Woodruff.
Shivers.	

Absent.

Beck.	Hopkins.
Cotten.	Rawlings.
Davis.	

Absent—Excused.

Oneal.

S. J. R. No. 11.

Senator Hornsby was recognized and sent up the following resolution:

A joint resolution ratifying an amendment to the Constitution of the United States of America, passed by the Sixty-eighth Congress of the United States of America at its first session, which amendment empowers the Congress to limit, regulate and prohibit the labor of persons under eighteen (18) years of age.

Whereas, Both Houses of the Sixty-eighth Congress of the United States of America, at its first session, by a majority vote of two-thirds of the members of the Senate and House passed the following joint resolution, to-wit:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the Legislatures of three-fourths of the several states shall be valid to all intents and purposes as a part of the Constitution:

"Article.....

"Section 1. The Congress shall have power to limit, regulate, and prohibit the labor of persons under eighteen (18) years of age.

"Sec. 2. The power of the several states is unimpaired by this article except that the operation of state laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress." Now, therefore, Be it resolved by the House of Representatives and the Senate of the State of Texas:

Section 1. That the said proposed amendment to the Constitution of the United States of America, passed by the Sixty-eighth Congress of the United States of America, at its first session, and reading in substance, as follows:

"Article.....

"Section 1. The Congress shall have power to limit, regulate, and prohibit the labor of persons under eighteen (18) years of age.

"Sec. 2. The power of the several states is unimpaired by this article

except that the operation of state laws shall be suspended to the extent necessary to give effect to legislation enacted by the Congress.

"F. H. Gillett,

"Speaker of the House of Representatives.

"Albert B. Cummins,

"President pro tempore of the Senate."

Be, and the same is hereby ratified by the Legislature of the State of Texas.

Sec. 2. That certified copies of this preamble and joint resolution be forwarded by the Governor of the State to the President of the United States, Secretary of State of the United States, the President of the United States Senate, and to the Speaker of the House of Representatives of the United States.

Read and referred to the Committee on Constitutional Amendments.

Motion for Public Hearing.

Senator Holbrook moved that the Committee on Constitutional Amendments be instructed to hold a public hearing on S. J. R. No. 11, next Monday at 2 o'clock p. m.

Point of Order.

Senator Van Zandt raised the point that if the motion by Senator Holbrook carried the Senate would in effect be suspending the Constitutional Rule (requiring bills and resolutions to lie over 30 days before consideration by committee) a majority vote instead by a four-fifths vote as required by the Constitution.

The Chair sustained the point of order, stating that the Senate could function only through bills and resolutions and that the language was clear in the statement of the rule regarding their consideration.

Senator DeBerry moved that the constitutional rule requiring bills and resolution to lie over 30 days before consideration by a committee, be suspended as relates to S. J. R. No. 11.

The motion prevailed by the following vote:

Yeas—26.

Blackert.
Burns.
Collie.
Cotten.

DeBerry.
Duggan.
Fellbaum.
Hill.

Holbrook.
Hopkins.
Hornsby.
Hughston.
Martin.
Moore.
Neal.
Pace.
Poage.

Redditt.
Regan.
Sanderford.
Shivers.
Stone.
Sulak.
Van Zandt.
Westerfeld.
Woodruff.

Nays—1.

Small.

Absent.

Beck.
Davis.

Rawlings.

Absent—Excused.

Oneal.

Motion for Public Hearing.

Senator DeBerry moved that the Committee on Constitutional Amendments be instructed to hold a meeting and set for special hearing S. J. R. No. 11 for consideration on Monday the 28th at 2:30 o'clock p. m.

Senate Bill No. 101.

By Senator Westerfeld:

S. B. No. 101, A bill to be entitled "An Act to amend Article 2846 and Article 2854 of the Revised Civil Statutes of Texas (1925) relating to the printing, engraving, binding and furnishing of textbooks.

Read and referred to the Committee on Educational Affairs.

Senate Bill No. 102.

By Senator Sanderford:

S. B. No. 102, A bill to be entitled "An Act providing that lawful rate of "conventional interest" shall not exceed six per centum per annum and providing penalties, etc., for contracting for and/or receiving interest at a rate higher than six per centum per annum, providing that the rate of "legal interest" shall be four per centum per annum and that the rate of interest on "judgments" shall be four per centum per annum in certain (described) cases and six per centum per annum in other cases, all by so amending Articles 5069, 5070, 5071, 5072 and 5073, Revised Civil Statutes of Texas, 1925, respectively as to reduce respective existing rules of interest to such named rates

providing for non-repeal of said articles or any of them in a certain event and declaring an emergency."

Read and referred to the Committee on Banks and Banking.

Senate Bill No. 103.

By Senator Small:

S. B. No. 103, A bill to be entitled "An Act to correct malpractice in the building construction industry by safeguarding the public against the irresponsible practice of the profession of architecture; defining and regulating the practice of architecture; creating a Board of Architectural Examiners; providing for appointment of the board; fixing the terms of office; providing for appointment of their successors and for filling vacancies; fixing the qualifications of the members of said board; requiring each member to take the oath of office and file same with the Secretary of State; providing for the election of various officers of said board; providing against an invalid part of this Act invalidating the remainder thereof or any part thereof; repealing all laws in conflict with this Act; and declaring an emergency."

Read and referred to the Committee on State Affairs.

Message from the Governor.

The Chair recognized the Door-keeper, who introduced a messenger from the Governor with the following message:

Executive Office,

Austin, Texas Jan. 16, 1935.

To the Forty-fourth Legislature of the State of Texas.

I hereby submit to you as an emergency matter and for your immediate consideration S. B. No. 68, which has heretofore been introduced and which is now pending, being:

"A bill to be entitled An Act creating the Special District Court of Smith County, Texas, prescribing its jurisdiction, limiting its existence, fixing its terms; providing for the appointment of a judge thereof, fixing his compensation, making an appropriation therefor, prescribing his powers and duties, providing for the transfer of cases from the Seventh Judicial District of Smith County; and from the Special District Court to the Seventh Judicial District of Smith County; providing

for the District Clerk of Smith County and his successor in office to be the clerk for said special district court in said county; providing that the District Attorney of the District Court of Smith County, and in his absence or inability, the County Attorney of Smith County shall represent the State in said special district court in said county; providing a seal for said special district court; providing that if any section of this Act be held unconstitutional or invalid for any reason, the same shall not impair or affect the remaining sections or provisions and declaring an emergency."

From my experience as Attorney General of this State and within my knowledge, the creation of this temporary court for a period of time of four (4) years from the effective date of the Act, is absolutely necessary in order that the overwhelming amount of business in the county can be properly handled. A little over two years ago a Special District Court for Smith County was created, and this court automatically expired just a few weeks ago.

At this time there is only one district court to handle the business of the three counties of Smith, Wood and Upshur, and with the large number of criminal cases pending, the present Seventh Judicial Court, which serves the three counties just mentioned, cannot possibly handle the business which should be immediately disposed of. It is my opinion from a careful study of the situation, and from my experience, that the law authorizing the transfer of judges from one district to another is entirely inadequate to handle the situation as it now exists in this territory.

Respectfully submitted,

JAMES V. ALLRED,
Governor.

Senate Bill No. 68.

Senator Martin asked unanimous consent to send up a committee report on S. B. No. 68 (See Appendix).

Consent was granted.

Senator Pace asked unanimous consent to take up S. B. No. 68.

Unanimous consent was granted.

By Senator Pace:

S. B. No. 68, A bill to be entitled "An Act creating the Special District Court of Smith County, Texas, pre-

scribing its jurisdiction, limiting its existence, fixing its terms; providing for the appointment of a judge thereof, fixing his compensation, making an appropriation therefor, prescribing his powers and duties, providing for the transfer of cases from the Seventh Judicial District of Smith County; and from the Special District Court to the Seventh Judicial District of Smith County; providing for the district clerk of Smith County and his successor in office to be the clerk for said Special District Court in said county; providing that the district attorney of the District Court of Smith County, and in his absence or inability, the county attorney of Smith County shall represent the State in said Special District Court in said county; providing a seal for said Special District Court; providing that if any section of this Act be held unconstitutional or invalid for any reason, the same shall not impair or affect the remaining sections or provisions, and declaring an emergency."

On motion of Senator Pace the rule requiring committee reports to lie over one day was suspended by unanimous consent.

On motion of Senator Pace the committee report recommending that the bill be not printed was adopted by unanimous consent.

Senator Poage sent up the following amendment:

Amend S. B. No. 68 by striking out all of Sections 1 to 14, inclusive, and by inserting in lieu thereof the following:

Section 1. The Supreme Court of Texas is hereby empowered and directed to designate such district judge or judges as may in its judgment be needed to assist the judge of the Seventh Judicial District and such judges shall be empowered to act in all things as fully as the present judge of the Seventh Judicial district.

POAGE.

Read and ruled out of order by Chair, because it was a general bill and that the amendment was not germane to the bill.

Appeal From the Ruling of the Chair.

Senator Poage appealed from the ruling of the Chair.

The Chair was sustained in his ruling by the following vote:

Yeas—20.

Beck.	Moore.
Blackert.	Pace.
Burns.	Redditt.
Collie.	Regan.
Cotten.	Sanderford.
Davis.	Shivers.
Duggan.	Small.
Fellbaum.	Stone.
Hill.	Van Zandt.
Hughston.	Woodruff.
Martin.	

Nays—5.

Holbrook.	Sulak.
Hornsby.	Westerfeld.
Poage.	

Present—Not Voting.

DeBerry.

Absent.

Hopkins.	Rawlings.
Neal.	

Absent—Excused.

Oneal.

The bill was read second time and passed to engrossment by viva voce vote.

On motion of Senator Pace, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 68 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Moore.
Blackert.	Neal.
Burns.	Pace.
Collie.	Redditt.
Cotten.	Regan.
Davis.	Sanderford.
DeBerry.	Shivers.
Duggan.	Small.
Fellbaum.	Stone.
Hill.	Sulak.
Holbrook.	Van Zandt.
Hornsby.	Westerfeld.
Hughston.	Woodruff.
Martin.	

Nays—1.

Poage.

Absent.

Hopkins.	Rawlings.
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Absent—Excused.

Oneal.

Read third time and finally passed by the following vote:

Yeas—26.

Beck.	Martin.
Blackert.	Moore.
Burns.	Neal.
Collie.	Pace.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Fellbaum.	Small.
Hill.	Stone.
Holbrook.	Sulak.
Hornsby.	Van Zandt.
Hughston.	Woodruff.

Nays—2.

Poage. Westerfeld.

Absent.

Hopkins. Rawlings.

Absent—Excused.

Oneal.

Adjournment.

Senator Woodruff, at 12:05 o'clock p. m., moved that the Senate adjourn until 10:00 o'clock a. m., Friday.

The motion prevailed.

APPENDIX.

Committee Reports.

Committee Room,
Austin, Texas, Jan. 17, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred S. B. No. 68, A bill to be entitled "An Act creating the Special District Court of Smith County, Texas, prescribing its jurisdiction, limiting its existence, fixing its terms; providing for the appointment of a judge thereof, fixing his compensation, making an appropriation therefor, prescribing his powers and duties, providing for the transfer of cases from the Seventh Judicial District of Smith County; and from the Special District Court to the Seventh Judicial District of Smith County; providing for the district clerk of Smith County and his successor in office to be the clerk for said Special District Court in said county; providing that the district attorney of the District Court

of Smith County, and in his absence or inability, the county attorney of Smith County shall represent the State in said Special District Court in said county; providing a seal for said Special District Court; providing that if any section of this Act be held unconstitutional or invalid for any reason, the same shall not impair or affect the remaining sections or provisions, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

MARTIN, Chairman.

EIGHTH DAY.

Senate Chamber,
Austin, Texas,
January 18, 1935.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Walter F. Woodul.

The roll call disclosed a quorum, the following Senators being present:

Beck.	Moore.
Blackert.	Neal.
Burns.	Pace.
Collie.	Poage.
Cotten.	Rawlings.
Davis.	Redditt.
DeBerry.	Regan.
Duggan.	Sanderford.
Fellbaum.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Hughston.	Westerfeld.
Martin.	Woodruff.

Absent—Excused.

Oneal.

Prayer by the Chaplain.

Further reading of the Journal was dispensed with on motion of Senator Hill.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.